

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN

Applicant or Patentee: Sadik Bayrakeri et al.
Application or Patent No.: 09/604,835
Filed or Issued: June 27, 2000
Title: SYSTEM AND METHOD FOR DELIVERY OF SHORT-TIME DURATION VIDEO SEGMENTS

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below.

Name of Small Business Concern: DIVA Systems Corporation
Address of Small Business Concern: 800 Saginaw Drive
Redwood City, CA 94063

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled SYSTEM AND METHOD FOR DELIVERY OF SHORT-TIME DURATION VIDEO SEGMENTS by inventor(s) Sadik Bayrakeri, Donald F. Gordon, Edward A. Ludvig, John P. Comito, Jeremy S. Edmonds, Eugene Gershtein described in:

- ☐ the specification filed herewith;
☒ Application No. 09/604,835, filed June 27, 2000;
☐ Patent No. _____, issued _____.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name: _____
Address: _____
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

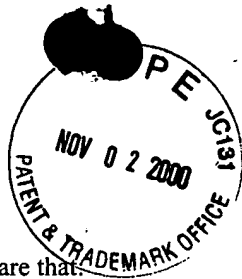
Name: _____
Address: _____
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Stephanie Storms
Title of Person if Other than Owner: Senior Vice President
Address of Person Signing: 800 Saginaw Drive
Redwood City, CA 94063

Signature Stephanie Storms Date Oct. 10, 2000



DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **SYSTEM AND METHOD FOR DELIVERY OF SHORT-TIME DURATION VIDEO SEGMENTS** the specification of which was filed on June 27, 2000 as Application Number. 09/604,835.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date
60/141,533	June 28, 1999
60/178,100	January 26, 2000



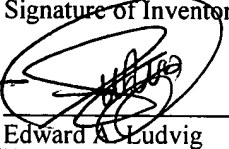
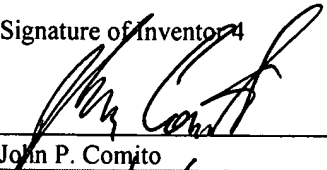
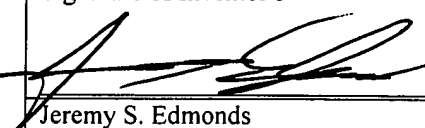

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
09/524,854	March 14, 2000	Pending
09/538,562	March 29, 2000	Pending
09/539,228	March 30, 2000	Pending

Full Name of Inventor 1:	Last Name: BAYRAKERI	First Name: SADIK	Middle Name or Initial:
Residence & Citizenship:	City: Foster City	State/Foreign Country: California	Country of Citizenship: Turkey
Post Office Address:	Post Office Address: 733 Shell Boulevard #104	City: Foster City	State/Country: California
			Postal Code: 94404

Full Name of Inventor 2:	Last Name: GORDON	First Name: DONALD	Middle Name or Initial: F.	
Residence & Citizenship:	City: Los Altos	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 465 Gabilan Street #10	City: Los Altos	State/Country: California	Postal Code: 94022
Full Name of Inventor 3:	Last Name: LUDVIG	First Name: EDWARD	Middle Name or Initial: A.	
Residence & Citizenship:	City: Redwood City	State/Foreign Country: California	Country of Citizenship: Canada	
Post Office Address:	Post Office Address: 931 Canyon Road	City: Redwood City	State/Country: California	Postal Code: 94061
Full Name of Inventor 4:	Last Name: COMITO	First Name: JOHN	Middle Name or Initial: P.	
Residence & Citizenship:	City: Redwood City	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 907 Pleasant Hill Road	City: Redwood City	State/Country: California	Postal Code: 94061
Full Name of Inventor 5:	Last Name: EDMONDS	First Name: JEREMY	Middle Name or Initial: S.	
Residence & Citizenship:	City: Gastro Valley Redwood City	State/Foreign Country: California California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 18923 Sydney Circle 1025 Hudson St.	City: Gastro Valley Redwood City	State/Country: California	Postal Code: 94548 94061
Full Name of Inventor 6:	Last Name: GRSHTEN	First Name: EUGENE	Middle Name or Initial:	
Residence & Citizenship:	City: Redwood City	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 1418 Valota Road	City: Redwood City	State/Country: California	Postal Code: 94061

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  Sadik Bayrakeri Date 10-6-00	Signature of Inventor 2  Donald F. Gordon Date 10-6-2000	Signature of Inventor 3  Edward A. Ludvig Date 10-6-2000
Signature of Inventor 4  John P. Comito Date 10/6/2000	Signature of Inventor 5  Jeremy S. Edmonds Date 10/6/2000	Signature of Inventor 6  Eugene Gershtein Date 00/10/08



Attorney Docket No. 019880-001210US

POWER OF ATTORNEY BY ASSIGNEE

DIVA SYSTEMS CORPORATION, located at 800 Saginaw Drive, Redwood City, California 94063, is the Assignee of the invention entitled:

SYSTEM AND METHOD FOR DELIVERY OF SHORT-TIME DURATION VIDEO SEGMENTS

the specification of which was filed on, June 27, 2000 as Application No. 09/604,835

The Assignment accompanying this Power of Attorney has been reviewed by the undersigned. The undersigned certifies that to the best of the undersigned's knowledge and belief, title is in the Assignee. The undersigned (whose title is supplied below) is empowered to act on behalf of the Assignee.

Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

P.G. Scott Born Reg. No. 40,523
William L. Shaffer, Reg. No. 37,234
Paul C. Haughey, Reg. No. 31,836
Kenneth R. Allen, Reg. No. 27,301

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(650) 752-2481

DIVA SYSTEMS CORPORATION

Date: 10/10/00

By Stephanie Storms

Stephanie Storms
Senior Vice President



Attorney Docket No. 019880-001210US

Client Ref. No. 236

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Applicant: SADIK BAYRAKERI, et al.

Application No.: 09/604,835

Filed: June 27, 2000

For: SYSTEM AND METHOD FOR DELIVERY OF SHORT-TIME DURATION VIDEO SEGMENTS

DIVA SYSTEMS CORPORATION, a Delaware Corporation, certifies that it is assignee of the patent application

identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame(s) _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: October 19, 2000
Name: STEPHANIE STORMS
Title: Senior Vice President
Signature: Stephanie Storms